

Elizabeth Rojas
15060 Ventura Blvd.
Suite 240
Sherman Oaks, CA 91403
Telephone: (818) 933-5700
Facsimile: (818) 933-5755

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION**

IN RE Frederick Kurt Howard Carolyn Lee Howard DEBTORS	CHAPTER 13 CASE NO. SV12-16969-VK TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN; DECLARATION; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION DATE/TIME: March 5, 2013 9:30 am 21041 Burbank Blvd. Courtroom 301 Woodland Hills, CA 91367-1367
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The Trustee objects to confirmation of the plan because all requirements for confirmation as set forth in Title 11 of the United States Code and the Rules have not been met.

The Trustee requests, should all requirements not be met, that confirmation of the plan be denied, the case be dismissed or converted to Chapter 7 and for such other relief as the Court may deem appropriate.

**THE FAILURE OF THE DEBTORS (OR THE ATTORNEY FOR THE DEBTORS) TO APPEAR AT THE
CONFIRMATION HEARING, OR TO FULLY COMPLY WITH ALL REQUIREMENTS FOR PLAN
CONFIRMATION, MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.**

DATED: February 01, 2013

/s/ Elizabeth Rojas

I, Elizabeth Rojas, declare as follows:

1. I am the Trustee in this matter, Frederick Kurt & Carolyn Lee Howard, SV12-16969-VK, and I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called upon to do so.
2. I object to confirmation of the proposed plan because of the deficiencies set forth in the attached which is incorporated herein by reference. These deficiencies existed prior to or at the time of the 11 USC §341(a) meeting in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sherman Oaks, California on January 29, 2013.

/s/ Elizabeth Rojas

I oppose plan confirmation because the **Debtors have failed to:**

- schedule debts within the limits of 11 USC §109(e); and therefore **ineligible**; and/or Debtors are not eligible to be Chapter 13 Debtors as follows:
- disclose** [11 USC §521, LBR 1017-1(b)]
 - assets
 - creditors
 - income
 - prior case
 - fmv of real property > scheduled
 - \$781k FMV vs. \$616k scheduled-- (\$93k non exempt equity)////
 - need fmv of stocks
 - investment acct. \$3579
- serve all** creditors with notice and the Plan at least 28 days before the 11 USC §341(a) Meeting of Creditors, FRBPs 2002(b), 7004 and LBR 3015-1(b)(3);
 - no pos of plan w/hrg ntc - **Mandatory Form 3015-1.2**
 - [1/12]
- provide the Trustee **documentation of all income** (as well as any contributor's income) seven days before the §341(a) Meeting of Creditors. LBR 3015-1(c)(3), 11 USC § 521;
 - 2011 tax return
 - 2012 tax return
 - current paystub - spouse
 - unemployment
 - \$1950
- meet the **business reporting requirements** regarding Debtors' business or self-employment, LBR 3015-1(c)(4);
- provide to the Trustee completed copies of the Federal and State **income tax returns**, 11 USC § § 1308 and 521, LBR 3015-1(c)(3).
 - 2011 tax return
 - 2012 tax return
- propose a plan that is feasible 11 USC § 1325(a)(6); the plan is **infeasible** because
 - certain claims are not included and/or the amount provided is insufficient
 - income is not sufficient enough to fund it
 - plan payment will not retire debt within term
 - the plan does not propose treatment and/or properly treat all scheduled, priority and/or secured creditors; and/or plan deficiencies as follows:
 - **no plan filed as of 01/12/13**
- propose a plan that represents the Debtors' **best effort** 11 USC §1322; 11 USC §1325

- unreasonable and/or unnecessary expenses are scheduled
- Potential preferential treatment of creditors--\$510/mo. paid to debtor's parent from July 2011 to July 2012
- evidence of day/child care
- \$400
- medical/dental expense high
- 502
- Evidence of Business expense
- \$258 (debtor shows no business income on schedule I or SFA)
- the budget surplus exceeds the monthly plan payment
- comply with the Means Test as required by the Code, In re Kagenveama, 541 F3d 868, and/or In re Lanning, 1330 S.Ct.2464
- missing B22C/SCMI form
- Only for Ch.7 filed as of 1/15
- propose a plan that provides creditors as much as would be received under **Chapter 7**
11 USC §1325(a)(4).
- other issues as stated below:
- Trustee to request interlineations that all tax returns be submitted to the Trustee; all tax refunds to be submitted into the plan and the Debtors will not incur debt greater than \$500 without Court permission.
- domestic support declaration
- 4 year tax declaration
- Amend SFA # 18 for business info
- provide schedule D to Trustee w/ complete account #s

PROOF OF SERVICE

**In Re: Frederick Kurt & Carolyn Lee Howard
Case No. SV12-16969-VK**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Elizabeth Rojas
15060 Ventura Blvd.
Suite 240
Sherman Oaks, CA 91403

The foregoing document described as **TRUSTEE'S OBJECTION TO CONFIRMATION; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION** will be served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

On February 01, 2013, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Frederick Kurt Howard
806 Rancho Rd.
Thousand Oaks, CA 91362

Carolyn Lee Howard
806 N. Rancho Road
Thousand Oaks, CA

ERCOLANI LAW GROUP
4195 E. THOUSAND OAKS BLVD STE# 175
WESTLAKE VILLAGE, CA 91362

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: February 01, 2013

/s/ Patricia Trujillo